



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JANUARY 11, 2011

PRESENT: Mueller, Moniz, Tanda, Koepp-Baker, Benich

ABSENT: None

LATE: None

STAFF: Assistant City Manager (ACM) Little, Planning Manager (PM) Rowe, Senior Planner (SP) Linder, Senior Planner (SP) Tolentino, Senior Civil Engineer (SCE) Behzad, Senior Civil Engineer (SCE) Creer and Acting Public Works Director (APWD) Bjarke.

Chair Mueller called the meeting to order at 7:01 p.m., inviting all present to join in reciting the pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Planning Manager Rowe certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Mueller opened, and then closed, the floor to public comment for matters not appearing on the agenda as none were in attendance indicating a wish to address such matters.

MINUTES:

November 30, 2010 COMMISSIONERS MONIZ AND TANDAMOTIONED TO APPROVE THE NOVEMBER 30, 2010 MINUTES WITH THE FOLLOWING REVISIONS:

Page 3 Paragraph 8: COMMISSIONERS MONIZ AND BENICH MOTIONED TO APPROVE THE AMENDED DEVELOPMENT AGREEMENT WITH CHANGES TO THE SECOND PARAGRAPH TO CLARIFY THAT A PROJECT WOULD RECEIVE THE SAME OR HIGHER SCORE WITHIN EACH SCORING CATEGORY AND IN THE TOTAL RDCS EVALUATION

THE MOTION PASSED (4-0-1-0) WITH THE FOLLOWING VOTE: AYES:

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UNANIMOUS; NOES: NONE; ABSTAIN: KOEPP-BAKER; ABSENT: NONE.

December 14, 2010 COMMISSIONERS MONIZ AND KOEPP-BAKER MOTIONED TO APPROVE THE DECEMBER 14, 2010 MINUTES WITH THE FOLLOWING REVISIONS:

Page 9, paragraph 8: ~~But schools can't be used when school is in session~~ **the School District does not allow the general public to use their facilities on an open basis or during the school day.**

THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

ORDERS OF THE DAY

No changes.

PUBLIC HEARINGS:

1)SUBDIVISION AMENDMENT, SDA-06-07: DIANA-CHAN:

A request to amend the subdivision approval granted to the 117-unit Sherimar Ranch project located on the south side of Diana Ave. between Murphy Ave. and Ringel Dr. (APNs 728-18-012, 728-19-001, 002, 003 and 728-20-037 & 038)

Linder presented her staff report and stated that this is basically just a request to change the lot configuration.

Benich: This must be an economic decision on the part of the developer, but staff has reviewed and doesn't seem to have a problem?

Linder: It represents a more logical phasing of the project and keeps the development from being scattered and disrupting existing homes on they're built.

Tanda: Explain what this phasing does.

Linder: The developer wants to do what we would call phases 1 and 2 all at the same time.

Tanda: So all streets would be constructed at the same time?

Linder: More streets would be done now, but there are still streets that would come in on a later map.

Mueller opened and closed the floor to public hearing.

COMMISSIONERS BENICH AND MONIZ MOTIONED TO APPROVE THE AMENDED TENTATIVE MAP REQUEST

THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE: UNANIMOUS; AYES: NONE; NOES: NONE; ABSTAIN: NONE; ABSENT:

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2) GENERAL
PLAN
AMENDMENT,
GPA-10-04/
ZONING
AMENDMENT,
ZA-10-02/
ENVIRONMENTA
L ASSESSMENT,
EA-10-11: E.
DUNNE-CVS:

The applicant is requesting to amend the General Plan Land Use and Zoning designations on an approximate two-acre site from Industrial and ML, Light Industrial, to Commercial and CG, General Commercial, respectively. The purpose of the General Plan and Zoning changes is to allow for the construction of a new CVS/Pharmacy with a drive-up window on the subject site. A mitigated Negative Declaration is proposed. (APNs 817-11-030 and a portion of 817-11-057).

Tolentino presented her staff report.

Benich: I'm concerned about the closure of the existing CVS/Pharmacy. Is there some kind of contingency contract where a new tenant has to be found before the space can be vacated? I thought there was something like that with the old Target space.

Tolentino: I am not aware of any such condition with Target, but we did have a façade improvement easement allowing the city to make maintenance improvements if the space remained empty for a long time.

Benich: I see that people will no longer be allowed to make a left turn onto E. Dunne from Joleen Way. But it doesn't look like there's a whole lot of room to get into the far left turn lane to make a U-turn on E. Dunne.

Creer: Both the consultant and PW thought there was adequate distance to make a right turn onto E. Dunne and then get into the far left hand turn lane at the light.

Mueller: This is over an acre and I think they're going to completely raze the site, so does that make them subject to the new standards for storm water quality control?

Tolentino: Yes, that will be a condition of the site review. Tonight we're only looking at the General Plan designation and the Zoning designation.

Tanda: Have the people that have businesses on Joleen been notified of the fact that they won't be able to turn left onto E. Dunne anymore?

Tolentino: They have been notified of the public hearing but not specifically the closure of the left turn.

Tanda: When would it be an appropriate time to notify the people who work on Joleen of the reduction to their access?

Tolentino: If the commission decides to recommend approval of this project, the only way to mitigate the traffic impact would be to prevent the left turn from Joleen, or it would require an EIR to adopt a statement of overriding consideration, or the Commission could recommend denying the project.

Tanda: I suggest that the business owners should be notified of the reduction in access, because it seems like notice of this meeting might not have been enough.

Moniz: It seems that changing the zoning might make more business owners want to convert to commercial. Is staff prepared to consider that?

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Tolentino: Staff would be willing to consider that based on surrounding uses.

Mueller opened the floor to public comment.

Robert Lyman of Johnson Lyman Architects appeared on behalf of the project.

Koepp-Baker: This is a significant reduction in the size of the facility. Is that going to affect the number of employees, because one of the criterions is retention of business and commerce at the same level?

Lyman: I can't answer that question. But I do know that what they're proposing is their standard size.

Koepp-Baker: Is this going to be a 24-hour store?

Lyman: Typically they do that if they can.

Mueller closed the floor to public comment.

Mueller: I'm concerned about the new intersection on Walnut Grove Drive. That is already a congested area. The sight line isn't very good there because of cars that back up in the turn lanes and cars coming out of the residential area.

Tanda: I'm still concerned about the intersection at Joleen and E. Dunne.

Creer: We have problems there already because of cars trying to illegally get from Joleen over to Walgreens and because of the traffic light being so close.

Tanda: My concern is that a General Plan change and a Zoning change are actually going to change the dynamics of an intersection. And I don't think the people on Joleen even know about the changes.

Mueller: We've followed the proper noticing procedures. What we're doing is not unusual.

Benich: I agree with Commissioner Tanda. We need to make sure business owners understand what we're trying to do at that intersection. What if we allowed the Zoning change but put a one year restriction on it?

Mueller: That's not allowed under the EIR.

Moniz: Was it just the owners, or was it owners and occupants that were notified?

Rowe: It was just the owners.

Moniz: Will there be another noticing for the City Council meeting?

Tolentino: Yes.

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Mueller: We could take action tonight and allow them to address it at City Council, but I'm concerned about changing our standard notification.

Tanda: You're saying it's not uncommon to amend a General Plan and include street movements and intersections changes in that amendment?

Tolentino: The California Environmental Quality Act requires us to look at the whole project, including the construction of a new building.

Tanda: Including the operation of a street?

Tolentino: Yes.

Tanda: I'd like to vote on this with an assurance that the people affected are at least aware of what's being contemplated. And I'd like to review the analysis that was performed at this intersection.

COMMISSIONERS BENICH AND TANDA MOTIONED THAT THE ITEM BE CONTINUED TO JANUARY 25, 2011 TO GIVE BUSINESS OWNERS A CHANCE TO BE NOTIFIED OF THE CHANGES TO THE INTERSECTION AT JOLEEN AND E. DUNNE AVE.

Moniz: What can be done if business owners show up and complain about the changes to the intersection? Can they force an EIR?

Tolentino: The Commission could recommend that, and then it would go to City Council for their decision.

Rowe: Or a signal could be put in.

Rowe: A signal has never been anticipated there because it's so close to Walnut Grove Drive.

Moniz: If we delay this, what can be done different than today?

Tolentino: Nothing, other than we notify business owners and provide Commission with a copy of the full traffic analysis. But the options remain the same.

Moniz: But if business owners do have a problem, what can be done?

Tolentino: They can ask commissioners to forward a recommendation for a traffic signal, or an EIR. But with an EIR you're still left with the issue of extending the median, installing a traffic signal or doing nothing and adopting a statement of overriding consideration.

Tanda: There are other options. You could eliminate turns during the peak period.

Creer: We've tried that at other locations in town but it has become an enforcement problem.

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THE MOTION PASSED (4-1-0-0) WITH THE FOLLOWING VOTE:

AYES: BENICH, KOEPP-BAKER, MUELLER AND TANDA;

NOES: MONIZ;

ABSTAIN: NONE;

ABSENT: NONE.

**OTHER
BUSINESS:**

**3)ADJUSTMENT
OF RESIDENTIAL
DEVELOPMENT
CONTROL
SYSTEM(RDCS)
POINT
RECOMMENDATI
ONS**

Rowe presented his staff report.

Benich: Are you still recommending that staff does not award points if a high school is within 1.5 miles of a project. I believe a project is entitled to 2 points if that project is within 1.5 miles of either Live Oak or Sobrato, without there being a safe walking route. I think we need to put it on the list for post review items.

Mueller called for a break at 8:02 pm and reconvened at 8:12 pm.

Mueller opened the floor to public comment.

Dick Oliver appeared on behalf of the Watsonville-Dividend project.

Oliver: Maybe the gridding of a project has changed since the last time we competed, so perhaps we don't get the two points there, but I believe we should still be allowed the 1.5 points which would make us eligible to compete. Again, changing procedures after a project has already competed does not seem fair.

Ray Panek of KB Home appeared to answer questions.

Mueller closed the public hearing, as no questions were raised.

Mueller: Let's discuss the water issue.

Rowe: We didn't look at the water issue again because the direction from the last meeting was for us to look at sewer, drainage and streets and parks. I did talk to Charlie Ha earlier this week. If you look at the whole of the project with a water main from one end to the other, Charlie feels it would only qualify for one point. But if you look at only the portion under this application, it could qualify for 1.5 points.

Moniz: If a project qualifies under Part A onetime and then gets allotments, would it have to qualify under Part A every time?

Rowe: Unless the project proceeds as an ongoing project, without having to compete, then it wouldn't have to qualify again. But every time a project competes, it has to qualify again.

Mueller: For 1.5 points, you only need to not tax the system?

Rowe: To get two points you have to upgrade the water service, and this project isn't offering that. But staff would support the 1.5 points for the portion of the

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project in this competition. (The Commissioners indicated consensus in giving 1.5 points for Water in Part A.)

Benich: The Livable Communities criterion discusses the performance of the developers for past projects, specifically with respect to how many changes they have presented staff with. I'm not sure that was considered. It looks like only one of the nine developers has past experience with the city.

Rowe: Well, UCP has applications for three of the projects. They have now employed Scott Schilling, who was part of the former South Valley Developers, so you might want to consider that. Also, KB Home did have a project in the 90's.

Mueller: But that's only one of the factors to look at for scoring.

Benich: I understand.

Mueller: Under Livable Communities, we need to look at each project one by one.

Rowe: As a reminder, for a project to get 2 points, it requires four affirmative votes. In order to get 1 point it requires three affirmative votes.

Mueller: How many votes do we have for:

Watsonville-Dividend? None.
Hale-Signature Homes? Two
Diana-Sherimar? Three.
Monterey-Dynasty? None.
Walnut Grove-UCP? One.
W. Edmundson-UCP? Two
Piazza Way-UCP? None
Del Monte-Blackwell? None
Murphy-Chellino? None.

Mueller: It appears only Diana-Sherimar received enough votes.

Rowe: They received three votes, so they would get an additional point under Livable Communities.

Mueller: That would take them up to 8 points in that category with a total score of 176.

COMMISSIONERS MONIZ AND TANDA MOTIONED TO APPROVE THE RESOLUTION APPROVING THE FINAL RDCS SCORES

THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE:

AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**4) FY2010/11-
2015/16 CIP
DISCUSSION OF**

SCE Behzad presented her staff report.

Tanda: At the last period, didn't we approve the CIP 2011/12 program?

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PROPOSED PROJECTS

Behzad: Last time we approved 2010/11 through 2013/14. The fiscal year we're looking at right now is 2011/12. When we come back in April the table will include projects up through 2015/16. The first category to look at is Park Facilities. Are there questions?

Mueller: The West Llagas Trail needs to go farther north than Ciolino. We need to get that to connect to downtown—all the way to Third Street.

Rowe: Under the Downtown Specific Plan, this is one of the 20 areas where the designation was changed. The redevelopment of the downtown would provide an opportunity for that trail connection, at least to E. Dunne Ave.

Koepp-Baker: Has there been any movement on the southeast center (Morgan Hill Plaza) at all, since it is half empty?

Rowe: No.

Behzad: The next category is Public Facilities. Are there questions?

Mueller: What is the payment that is listed under 2011/12?

Behzad: That is a balloon payment for purchasing the aquatics center site.

Mueller: But that's not inside the RDA and state law was changed a year ago.

Little: You're referring to the Kehoe Legislation last year with the limitation of spending public dollars outside of redevelopment boundaries. Because this is a pre-existing contract, I believe it precludes that legislation, but I will check on that.

Tanda: With the governor's proposal on Redevelopment Agencies (RDA), to what extent are the funds that we are showing in RDA at jeopardy?

Little: That is the question we're all asking. We're assuming that projects that have been bonded will be safe, and that those bond covenants couldn't be broken. However, we're all waiting for those decisions.

Koepp-Baker: So we continue planning until we hear otherwise?

Little: With these dollars, there has been speculation that the state will adopt legislation preventing RDAs from entering into new contracts. I believe non-bonded dollars would be threatened.

Behzad: Moving on to Sanitary Sewer, are there any questions?

Moniz: Under the 2002 Sewer Plan, a new main for Barrett Avenue was justified because of future development in that area. But with the current economic climate, is that still true?

Behzad: It is still assumed that it would be necessary for projected growth. But the

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sewer master plan is revised every seven to ten years, so that item could be revisited.

Creer: Right now the main is undersized and flowing full so this is a needed main for existing and projected use.

Behzad: The next category is Storm Drainage. Are there questions?

(There were no questions from the Commissioners.)

Behzad: Streets and Roads is the next category and usually have quite a few questions.

Tanda: Regarding the pavement rehabilitation program, it looks like what has been allotted is only about one-fifth of what is needed annually. I would like staff to focus on this and identify additional liability as we continue to underfund.

Behzad: Staff is aware of it and we continue to look for grants and other funding sources. We will go back and look at the liability issues.

Benich: On page 43, the LED street lighting shows 1.2 million dollars under the construction category. Should that be renamed procurement of LED fixtures?

Creer: The term “construction” is used in a generally sense—it would be the replacement of high pressure sodium heads with LED heads. The heads run between \$600 and \$700 each. This would replace about 1,400 street lights within the RDA boundaries.

Benich: I did the math and that runs about \$1,200 per light. You might want to look at those numbers because something is not right.

Mueller: Are all the new street lights LED?

Creer: Yes. One thing to consider is that technology is evolving rapidly. Karl Bjarke and I met with a company last week that instead of replacing the heads, just replaces the light bulb, so that would really simplify the process and reduce the costs.

Mueller: Is the Tennant Avenue overpass going to be LED?

Behzad: Yes, all the new projects will be LED?

Mueller: What about a signalized intersection at Spring and Monterey?

Behzad: That project is at 70 percent design and is scheduled to go out for bid this year.

Creer: That’s right, it will go out for bid around March 1st and will involve a new traffic signal and installation of raised medians.

Mueller: Is there any chance of doing a sidewalk from San Pedro to the post office?

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Some citizens have pointed out that that section along San Pedro is the only place without a sidewalk, which makes it difficult for people in wheel chairs.

Behzad: We could definitely look at that and include it in the project. And with prices being about 25 percent less than estimated, we might have budget in the project to take care of it.

Creer: Also, there are developers trying to get Measure C points.

Benich: Regarding the downtown street revitalization, there is quite a bit of money in there. The General Plan does include provisions for street art and I think that would come under this total.

Behzad: We'll make a note to discuss that.

Tanda: Could you compare the cost energy savings of LED versus high pressure sodium fixtures, because at \$600 per LED fixture that is a lot?

Creer: The high pressure sodium fixtures for a quality Cobra head runs about \$150 to \$175 per head.

Tanda: From the CIP, it looks like the widening of Santa Teresa is still a planned project and I think that it is necessary to accommodate the traffic if Monterey Road is narrowed. Is that the case and would it be done concurrently with the Monterey Road changes?

Bjarke: Right now that is a stand-alone project, irrespective of what happens on Monterey Road. We will be talking to City Council on Feb. 16th to get some direction from them on this project. We just recently went through some community outreach. What we're going to propose for the Santa Teresa corridor, and it's what the traffic model showed, is two lanes with bike lanes and sidewalks.

Tanda: I thought it had the capability of being expanded to four lanes sometime in the future, if necessary?

Bjarke: Correct.

Tanda: It seems the Cochrane Road signalization dropped off the funding chart.

Behzad: The reason you don't see it is because it's scheduled to be completed this year, so that's why you don't see it in 2011/12.

Mueller: Is that the synchronization, or the widening?

Creer: That is strictly the synchronization, but the widening will be this year also.

Mueller: Can you tell the status of the undergrounding of utilities along Monterey down to Cosmo?

Behzad: That project is still on the books and we are moving forward. We did form

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an assessment district and there has been discussion with PG&E to be the lead trenching agent, but that would delay the project. We are looking into the city being the lead trenching agent, and we are talking to Verizon and Charter.

Mueller: There is an approved mixed-use housing project across from the post office, and they should be contributing to that undergrounding project as a source of money.

Creer: Right now, Sherimar Ranch is moving forward and that was part of their commitment. It will be done with their first phase. If that doesn't happen, then we will remove it and go to bid, and it will become a city project.

Behzad: Are there any questions in the Water section?

(There were no questions from the Commissioners.)

Benich: Are we ready for general discussion?

Behzad: Yes.

Benich: For the \$106 million dollars, I see one-third of it funded from the RDA. If that drops out we're going to be in deep trouble—like many other cities—so that is something to consider. Also, we should be doing more in the city to install solar panels on public buildings. I think we need to look at that more.

Bjarke: Are you aware of the power purchase agreement that the Council has approved recently? It's an arrangement similar to the residential program. It's a county-wide effort to provide solar power to facilities and the ultimate goal is to sell that power back to the grid. The City has agreed to enter into a contract with Borrego for a 20-year period. We will buy power from them and they will install solar panels in parking lots and on roofs of the Development Services Center, the Recreation Center and the Police Department. In addition, I think you're going to see large solar panels in the cloverleaf of the freeway interchanges.

Benich: We need to allocate \$100,000 for a study on implementing water reclamation or gray water recycling. I'm sure we can find the money somewhere. There are funding sources available such as the Santa Clara Valley Water District, the State of California, and the Federal government, in addition to the CIP funds. It's very important that we look at conserving water.

Mueller: Okay, we're done.

ANNOUNCEMENTS **/COMMISSIONER** **IDENTIFIED ISSUES**

There will be a public High Speed Rail meeting at Gilroy High School on the 25th, and one in Morgan Hill on the 27th regarding the San Jose to Merced section of the train. The meeting will run from 6:00 pm to 9:00 pm. Another community outreach meeting will be with the SCVWD the VTA, the City of Gilroy and the City of San Jose to establish the Santa Clara Valley Habitat Plan. The plan has been underway for six years. The meeting will be at the Community Center on Feb. 9, at 6:30 pm to allow the public to comment on the Draft Habitat Plan and the Environmental Impact Report and Impact Statement. We will also be scheduling public hearings for

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Planning Commission Feb. 22, and Council on March 16, to comment on the environmental document and the plan document. Copies are in the lobby of the DSC, at the library and on the Santa Clara Valley Habitat Plan website.

Tanda: What is the status of the General Plan update?

Rowe: The Council gave direction that we would update the General Plan in FY 2011/12, assuming there are funds to accomplish it.

Benich: The last General Plan Update was 2001, so it's time to do it now.

Mueller: It's best to wait a couple of years for the 2010 Census data.

Tanda: As we've discussed in the past, I think we're at the population limit of our General Plan once the existing allotments are built.

Rowe: We're getting close.

Mueller: That will also depend on the population estimates released by the state in the next few months.

Rowe: That's correct. We will also be going through an update of the Regional Housing Needs. That will look at a longer duration and the methodology of how housing is assigned to cities. There is also a recommendation by Planning Managers to cities, that Santa Clara Valley create a subarea where the housing would be apportioned among the jurisdictions.

CITY COUNCIL REPORTS

None.

ADJOURNMENT

Noting that there was no further business for the Planning Commission at this meeting, Chair Mueller adjourned the meeting at 9:25 p.m.

MINUTES RECORDED AND TRANSCRIBED BY:

ELIZABETH BASSETT, Development Services Technician